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FloorPrep
Legislative Digest

**Wednesday,
June 14, 2000**

*House Meets at 10:00 a.m.
for Legislative Business*

Anticipated Floor Action:

**S. 761—Electronic Signatures in Global and National Commerce Act
H.R. 4577—FY 2001 Labor/HHS/Education Appropriations Act
H.R. 4578—FY 2001 Department of Interior Appropriations Act**



Bills Considered Pursuant to a Rule

**S. 761—Electronic Signatures in Global and National Commerce (E-SIGN) Act
(Conference Report)**

Floor Situation: The House is scheduled to consider the conference report to S. 761 as its first order of business on Wednesday, June 14, 2000. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour and may not be amended. The Rules Committee met on Monday, June 12, 2000 and granted a rule waiving all points of order against the conference report and against its consideration and that the report be considered as read.

Conference Summary: S. 761 will create an equivalence between a handwritten signature and an electronic signature and between paper records and electronic records. The bill assures that consumers in the electronic world will have the same rights they enjoy in the paper world. Moreover, existing consumer protection laws will remain unaffected. Further, consumers must first agree to enter electronic transactions and affirmatively consent to receiving electronic records. To ensure that consumers are able to access electronic records, there must be a reasonable demonstration that consumers can access the records for the consumer's consent to have effect. This provision will allow for flexibility so that a wide variety of technologies, techniques or business models may be used to determine a consumer's ability to access the electronic records. In addition, States may enact their own electronic signature laws, either by adopting the Uniform Electronic Transaction Act or another similar law. To ensure nationwide uniformity, state laws, however, must be consistent with

provisions of S.761 (including its technology neutrality provision).

Federal and state regulatory agencies are provided limited authority to interpret this Act with respect to existing statutes. Agencies may establish performance standards to assure accuracy and integrity of records that are required by law to be retained. Additionally, The Act includes a provision to establish a uniform national standard for the creation, recognition, and enforcement of an electronic note (a negotiable instrument) that relates to a loan secured by real property.

The effective date for this Act will be October 1, 2000. The record retention provision becomes effective March 1, 2001. The Secretary of Commerce is directed to promote the use and acceptance, on an international basis, of electronic signatures and records. The Secretary is also directed to eliminate or reduce barriers to commerce in electronic signatures. An official CBO cost estimate was unavailable at press time.



H.R. 4577—FY 2001 Labor/HHS/Education Appropriations Act

Floor Situation: Last night, the Committee of the Whole did rise without completing action on H.R. 4577. Today, following consideration of the conference report on S. 761, the House will complete action on H.R. 4577.



H.R. 4578—FY 2001 Department of Interior Appropriations Act

Floor Situation: The House is scheduled to consider H.R. 4578 on June 14, 2000. On Monday, June 12, the Rules Committee granted an open rule that waives all points of order against consideration of the bill. The rule provides one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations, waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill, except as otherwise specified in the rule, waives clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bills containing an emergency designation) against amendments offered during consideration of the bill, and authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the *Congressional Record*. Finally, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote and provides one motion to recommit with or without instructions.

Summary: H.R. 4578 appropriates \$14.6 billion in new FY 2001 budget authority, (\$303.2 million less than last year and \$1.7 billion less than the president's request). Approximately half the bill's funding, \$7.3 billion, finances Interior Department programs to manage and study the nation's animal, plant, and mineral resources and support Indian programs. The balance of the measure's funds support

other, non-Interior agencies that perform related functions. These include the Forest Service in the U.S. Department of Agriculture, conservation and fossil energy programs run by the Energy Department, and the Indian Health Service, as well as the Smithsonian Institution and similar cultural organizations. Specifically, the conference report provides:

- * \$1.7 billion for the National Park Service (NPS) (\$101.9 million less than last year and \$340 million less than the president's request). This amount includes \$1.4 billion for national park operations, a \$61.8 million increase over last year and \$28.5 million less than the president's request;
- * \$861.9 million for the Fish and Wildlife Service (\$13.2 million less than last year and \$264.7 million less than the president's request);
- * \$2.4 billion for the Indian Health Service (\$29.9 million more than funding enacted for FY 2000 and \$199.8 million less than the president's request);
- * \$75.2 million for Everglades restoration, including \$17 million for land acquisition;
- * \$1.9 billion for the Bureau of Indian Affairs (\$11.8 million more than last year and \$320 million less than the president's request);
- * \$1.21 billion for the national forest system (\$59.6 million more than last year and \$79 million less than the president's request);
- * \$1.3 billion for the Department of Energy (\$112.6 million more than funding enacted for FY 2000 and \$177.9 million more than the president's request); and
- * \$237.6 million for the National Foundation on the Arts and the Humanities, (\$372,000 more than last year and \$95.8 million less than the president's request). This includes \$98 million for the National Endowment for the Arts (\$372,000 more than last year's level and \$52 million less than the president's request) and \$115.3 million for the National Endowment for the Humanities (equal to funding for last year and \$34.7 million less than the president's request).

Sticking Points

Several issues are likely to become the subject of floor debate during consideration, including the following:

- * **Lands Legacy Initiative.** The president requested \$600 million for the Lands Legacy initiative to purchase lands. The program's goals are to (1) increase federal land acquisition for park conservation; (2) provide grants to states and localities to acquire land; (3) expand protection efforts for farm, forest, and range land, and perform resource restoration; (4) fund growth partnerships; and (5) expand funding for ocean and coastal protection.

H.R. 4578 provides \$164 million for land acquisition (\$20 million below funding levels enacted for FY 2000). The Appropriations Committee argues that maintenance needs in national parks should have precedence over new initiatives. The Democrats are expected to attempt to increase funding for the Lands Legacy Initiative during floor consideration.

- * **National Endowment for the Arts (NEA) Funding.** The bill currently allocates \$98 million in funding for the NEA (\$372,000 more than last year's level; the president requested \$150 million), which has historically been the subject of contentious floor debate. Critics of the agency argue that no federal money should go to subsidize culture, particularly "culture" that many taxpayers find obscene. In addition, opponents of NEA funding contend that the agency continues to thumb its nose at congressional attempts to impose common-sense standards of decency. Supporters of the NEA, on the other hand, believe that federal support of the arts is critical to the cultural well being of the nation. In addition, they argue that NEA funding increases citizen access to the arts, stimulates private arts contributions, and encourages artistic creativity.
- * **Recent National Monument Designations.** This provision prohibits the use of funds for lands managed under the national monument designation if they were designated since 1999. These areas may still be managed under their previous land management plan status. Funds cannot be used for design or planning under the national monument status. This includes areas north of the Grand Canyon (Grand Canyon-Parashant NM, and area in central Arizona (Agua Fria NM), California Coastal NM and Giant Sequoia NM (a Forest Service area). This would also apply to additional national monuments if they were designated this year.
- * **Interior Columbia Basin Ecosystem Management Project.** This provision prevents funding to issue a record of decision or any policy implementing the Interior Columbia Basin Ecosystem Management Project unless a regulatory flexibility analysis is completed. This project started in 1993 and affects a huge area of the west (including 63 million acres of Forest Service and BLM-managed lands in 6 states (OR, WA, ID, MT, UT, WY). Earlier this month the Administration finally released a draft EIS and economic analysis for this project. The Administration is trying to complete this project before the end of the term but without doing the required reg-flex analysis. The Congress has previously had to require additional economic analyses that delayed the project. The Committee is concerned that the project will expose itself to litigation by not complying with the requirements of the Small Business Regulatory Enforcement Fairness Act.
- * **Limitation on Establishing a National Wildlife Refuge in the Yolo Bypass.** This provision bans the use of funds to establish a National Wildlife Refuge in the Yolo Bypass of California.

CBO estimates that enactment of H.R. 4578 will result in discretionary outlays of \$14.6 billion for FY 2001.

Views: The Republican Leadership supports passage of H.R. 4578. The Administration strongly opposes the following provisions: National Monument Designation, Interior Columbia Basin Ecosystem Management Project, American Heritage Rivers, Urban Resource Partnership, Kyoto Protocol, Prohibit Establishment of the Two National Wildlife Refuges, Tribal Contract Moratorium, Grazing Permits, and Infringement of Executive Authority. Additionally, the Administration believes the following programs were significantly under funded: Lands Legacy Initiative, Department of Energy, Native American Programs, Clean Water Action Plan, Land Management Operations, Construction Priorities, Millenium Initiative to Save America's Treasures, U.S. Territory Programs, National Foundation on the Arts and Humanities, and Smithsonian and Other Cultural Agencies.

Other Information:

“Appropriations for FY 2001: Interior and Related Agencies” *CRS Report RL30506*, June 6, 2000.

Amendments-At press time the *Legislative Digest* was aware of the following amendments:

Mr. Stupak may offer an amendment to prohibit the use of funds to remove or rescind a route or water surface used by snowmobiles in the Pictured Rocks National Lakeshore unit of the National Park Service. *Staff Contact: Sean Wherley, x5-4735.*

Mr. DeFazio may offer an amendment to restrict the Forest Service from enforcing fee payment, without affecting campground charges, visitor center fees, Park Service charges or other fee programs. *Staff Contact: Amelia Jenkins, x5-6416*

Mr. DeFazio may offer an amendment to increase the National Forest System funding by \$26 million and reducing funding for fossil energy research and development activities in the Energy Resource, Supply and Efficiency program by \$53 million. *Staff Contact: Amelia Jenkins, x5-6416*

Mr. Dicks may offer an amendment to increase funding for Clean Coal Technology from \$67 million to \$103.7 million. *Contact: x5-5916*

Mr. Dicks may offer an amendment to increase funding for the NEA from \$98 million to \$125 million, of which \$27 million would not become until September 29, 2001. *Contact: x5-5916*

Mr. Dicks may offer an amendment to increase funding for the National Endowment for the Humanities from \$100.6 million to \$110.3 million, of which \$9.7 million would not become available until September 29, 2001. *Contact: x5-5916*

Mr. Dicks may offer an amendment to increase funding for Clean Coal Technology from \$67 million to \$84.3 million. *Contact: x5-5916*

Mr. Dicks may offer an amendment to increase NEA funding from \$98 million to \$115.3 million, of which \$17.3 will not become available until September 29, 2001. *Contact: x5-5916*

Mr. Dicks may offer an amendment to add a new section providing a grandfather clause allowing funds to be used for national monuments, wildlife refuges, or the Interior Columbia Basin Ecosystem Management Plan provided it is otherwise authorized by law. *Contact: x5-5916*

Mr. Dicks may offer an amendment to add another new section by providing a grandfather clause allowing funds to be used for national monuments, wildlife refuges, or the Interior Columbia Basin Ecosystem Management Plan provided it is otherwise authorized by law. *Contact: x5-6916*

Mr. Dicks may offer an amendment to strike the restriction on funds to be used to establish a National Wildlife Refuge in the Yolo Bypass of California. *Contact: x5-5916*

Mr. Dicks may offer an amendment to strike the restriction on funds to be used to implement the

Mr. Dicks may offer an amendment to strike the restriction of funds to be used for the design, planning or management of Federal Lands as National Monuments. *Contact: x5-5916*

Mr. Ose may offer a secondary amendment to one or more of Mr. Dicks' amendments to prohibit the use of funds to establish a National Wildlife Refuge in the Yolo Bypass of California. *Staff Contact: Matt Meagher, x5-5716*

Mr. Doolittle may offer an amendment to prohibit any funds, appropriated or otherwise, to be used to paint Forest Service vehicles any color other than white, and further prohibit painting the vehicles green. This Forest Service regulation change, supported by several U.S. Forest Service Regional Foresters, would save taxpayers a minimum of \$1,250,000 per year. Recently, Federal Standard 595, Color Chip #14260, has become increasingly difficult to find, forcing the U.S. Forest Service to repaint their vehicles green following delivery, at a cost of \$650 to \$3000 a piece. *Staff Contact: Tom Porter, x5-2511*

Mr. Hill (MT) may offer an amendment to designate \$2 million of the Land and Water Conservation Fund for acquisition of Traveler's Rest, Montana. *Contact: x5-3211*

Mr. Hoeffel may offer an amendment striking the provision allowing transfers to fund personnel, training, or other administrative activities at the Council on Environmental Quality related to the American Heritage Rivers program. *Contact: x5-6111*

Mr. Hoeffel may offer an amendment striking the restriction on using funds for design, planning, or management of Federal Lands as National Monuments. *Contact: x5-6111*

Mr. Royce may offer an amendment increasing FY 2002 funding for Clean Coal Technology from \$67 million to \$326 million. *Staff Contact: Darrin Schrader, x5-4111*

Messrs. Sanders, Boehlert and Kind may offer an amendment to increase funding for efficiency investments by \$45 million, including \$20 million for the Weatherization Assistance Program and \$3.5 million for the State Energy Program by reducing funding for the Fossil Fuel Energy Research and Development program by \$45 million. *Staff Contact: Warren Gunnels, x5-4115*

Messrs.. Sanders, Shays, Markey et al. may offer an amendment to provide \$10 million in funding for the creation of a Home Heating Oil Reserve. *Staff Contact: Warren Gunnels, x5-4115*

Messrs. Sununu and Mr. Andrews may offer an amendment to provide \$40 million (\$10 million to each program) to the Payments in Lieu of Taxes Program, the Land and Water Conservation Fund, State-side Grant Program, and National Forest and Park Service maintenance accounts while reducing the *Partnership for a New Generation of Vehicles (PNGV)* portion of the DoE's budget \$40 million, from \$126.5 million to \$86.5 million. *Staff Contact: Matt Leland, x5-5456*

Messrs. Wu, Smith and Udall may offer an amendment increasing funding by \$14.7 million to the Fish and Wildlife Management while reducing funding for Forest Products by \$14.7 million. *Staff Contact: Bill Miner, x5-0855*

Messrs. Hefley and Udall may offer an amendment to increase funding for Forest Service by \$4 million and reducing funding for wild horse and burro management program in the BLM by \$4 million. *Staff Contact: Larry Hojo, x5-4422*

Mr. Weldon (PA) may offer an amendment ensures that the case regarding Indian gaming brought by Florida and Alabama against the Department of the Interior is fully adjudicated before the Secretary of the Interior is permitted to publish the procedures that would allow tribes to establish casinos under regulations that by-pass tribal-state compacts. *Staff Contact: Stuart Burns, x5-3671*

Mr. Largent may offer an amendment to prohibit Alcoholism and Substance Abuse Program funds from being disbursed to Indian tribes who fail to report statistics on treatment success rates to the Secretary of Health and Human Services. *Staff Contact: Cameron Doolittle, x5-2211*

Mr. Largent may offer an amendment to address inequity in Indian Health Services (IHS) funding of Native Americans. The amendment asks the Secretary of the Interior to consider the number of Indians being served when funds are distributed. *Staff Contact: Cameron Doolittle, x5-2211*

Mr. Largent may enter into a colloquy with Mr. Regula to discuss disproportionately low IHS spending on Indian tribes in certain areas and ask for Mr. Regula's assistance in rectifying this disparity. *Staff Contact: Cameron Doolittle, x5-2211*



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